



07-13-09

Refund Ref: 07/31/2009 CKHLOK 0000168172

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee : Amity Rubberized Pen Company  
Serial No. : 10/801,194 Patent No.: 7,004,350  
Filed : Mar. 15, 2004 Issued: Feb. 28, 2006  
For : DISPENSER FOR TOOTHPICKS AND TABLETS

PETITION UNDER 37 C.F.R. § 1.182 TO EXPUNGE PAPERS FROM FILE FOR PATENT OFFICE'S FAILURE TO FOLLOW ITS OWN REGULATIONS AND REMOVE UNAUTHORIZED THIRD PARTY SUBMITTALS FROM PATENT FILE AND DISCARD THE UNAUTHORIZED THIRD PARTY SUBMITTALS

Dear Sir/Madam:

Although 37 C.F.R. § 1.59 provides for expungement of papers in an application file, no regulation provides for expungement of papers from the file of an issued patent. Therefore, this petition is filed under 37 C.F.R. § 1.182 for a "question not specifically provided for."

On March 25, 2009 attorney for Assignee (Amity Rubberized Pen Company) contacted the Patent Office to seek the status of Assignee's September 24, 2006 petition to correct inventorship and to enquire about unauthorized third party submittals which had been placed in the Patent File for the subject patent, U.S. Patent No. 7,004,350 ("the '350 Patent"). Mr. Gene Crawford, the supervisory patent examiner for the '350 Patent, indicated that the petition to correct inventorship had never been forwarded to his attention. Within days of calling Mr. Crawford, Assignee obtained a decision on the September 24, 2006 petition to correct inventorship. At the same time, Mr. Crawford indicated that all of the unauthorized third party submittals had been removed from the file for the '350 Patent. I confirmed this news by reviewing the '350 Patent file on the PAIR system on April 12, 2009. On May 11, 2009 I checked the '350 Patent file on the PAIR system and noticed that all of the previously removed third party submittals were inserted back into the file and another third party submittal was filed on April 23, 2009. Today, July 8, 2009, I checked PAIR again and found no change. To date, no

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